

U.S. Serial No. 10/756,916

Filed: January 13, 2004

AMENDMENT AND RESPONSE TO OFFICE ACTION DATED 8/2/06

Page 12 of 16

REMARKS

I. Introduction

This Amendment and Response amends claims 1-4, 8, 13, 15, 22, 25-27, 30-32, 35, and 45-47. Claims 1-47 are pending in this application. No fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0855.

II. 35 U.S.C. § 102 Rejections

The Action rejects claims 1-6, 8, 9, 11-15, 17-27, 35-37, and 39-45 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,261,854 to Eiriksson. Applicants' Assignee respectfully traverses these rejections and requests that they be withdrawn.

Claim 1, from which all of the other pending claims depend, has been amended to recite a device comprising at least one treatment section having a first end, a second end, and a side defined by at least one wall that connects the first end and the second end. Claim 1 also recites that the at least one treatment section is adapted to receive products through one of the first or second ends and discharge products through the other of the first or second ends. Support for these amendments can be found in the specification, for example, at pages 15-16 and in Figure 1, which respectively describe and illustrate a treatment device comprising at least one treatment section (Figure 1 illustrates four treatment sections 30a-d) which has two ends and at least one side wall. The application further explains and illustrates that products may be supplied to a treatment section through one end of the treatment section and may be discharged from the treatment

U.S. Serial No. 10/756,916

Filed: January 13, 2004

AMENDMENT AND RESPONSE TO OFFICE ACTION DATED 8/2/06

Page 13 of 16

section from an opposite end. *See, e.g.*, page 15, lines 9-10 and page 19, lines 33-36. No new matter has been added.

Eiriksson fails to teach or suggest at least these features. More specifically, Eiriksson fails to teach or suggest discharging products *through* an end of a treatment section, as recited in claim 1. Eiriksson discloses a device for processing scallops which comprises a cylindrical drum (the alleged treatment section). Col. 2, lines 10-15. Scallops are fed into the drum through a chute located at an inlet end of the drum. Col. 3, lines 31-33. However, the scallops are not discharged through the other end of the drum. Rather, the scallops exit the drum via openings through the side wall of the drum. *See* Col. 4, lines 22-41, Figure 4. The Action maintains that the exit openings of the drum can be adjusted so that the openings are located *at* the end of the drum. Even assuming, *arguendo*, the accuracy of this assertion, Eiriksson still only teaches discharge *through* the side wall of the drum, not *through* an end of the drum (the alleged treatment section), as recited in claim 1. While the scallops may exit close to an end of the drum, they still exit through the drum side wall.

Nor is the arrangement recited in claim 1 obvious in light of the prior art. Applicants' invention discloses a device in which products travel all of the way through the treatment section and exit from one end of the treatment section. In this way, treatment sections may be arranged adjacent to one another so that products may be transferred from one treatment section to an adjacent treatment section with ease and without manual intervention. The products which exit a treatment section may directly enter an adjacent treatment section with little extra effort, because the products exit the

US2000 9676998 1

U.S. Serial No. 10/756,916

Filed: January 13, 2004

AMENDMENT AND RESPONSE TO OFFICE ACTION DATED 8/2/06

Page 14 of 16

treatment section through one of two opposite ends and hence may automatically enter the adjacent treatment section through a facing end thereof.

The Eiriksson, Strong, Palm and Petsche devices discharge products from a point on the side wall of a drum. They are unable to operate in the manner of the present invention because products could only be transferred from one treatment section to a second treatment section either manually or through the use of a complicated transfer device. Because these devices discharge products from the drum through their side wall, the products are then situated at a both a radial and an axial distance from any second, adjacent treatment section. Any transfer device would have to redirect the products and transfer them to a second treatment section.

The devices of Corominas, Thirode and Hubbard are also not capable of having two treatment sections adjacent to one another capable of simple transfer of products from one to the other. The drums of Corominas, Thirode and Hubbard must tilt transverse to the rotation axis of the drum in order to discharge their products. Should two treatment sections tilt simultaneously about their respective tilting axis', then the ends of the respective treatment sections which faced one another in the treatment position of the drums would no longer be adjacent to one another and it would not be possible to easily transfer products from one section to the other. Again, any transfer device would have to redirect the products and transfer them to a second treatment section.

At least because the Eiriksson, Strong, Palm, Petsche, Corominas, Hubbard or Thirode references, alone or in combination, do not teach nor suggest all of the

U.S. Serial No. 10/756,916

Filed: January 13, 2004

AMENDMENT AND RESPONSE TO OFFICE ACTION DATED 8/2/06

Page 15 of 16

limitations of claim 1, claim 1 is allowable. Claims 2-47 ultimately depend on claim 1 and are allowable at least by virtue of their dependency.

III. 35 U.S.C. § 103 Rejections

The Action rejects the following claims under 35 U.S.C. § 103 as follows:

- Claims 7 and 16 as unpatentable over Eiriksson in view of Corominas.
- Claims 10 and 30 as unpatentable over Eiriksson in view of Strong.
- Claims 28 and 29 as unpatentable over Eiriksson in view of Thirode.
- Claim 31 as unpatentable over Eiriksson in view of Palm.
- Claim 32 as unpatentable over Eiriksson in view of Hubbard.
- Claims 33, 34, 38, 46, and 47 as unpatentable over Eiriksson in view of Petsche.

Applicants' Assignee respectfully traverses these rejections and requests that they be withdrawn. Claims 7, 10, 16, 28-34, 38, 46, and 47 all ultimately depend from allowable claim 1 and are therefore allowable at least by virtue of such dependency.

U.S. Serial No. 10/756,916

Filed: January 13, 2004

AMENDMENT AND RESPONSE TO OFFICE ACTION DATED 8/2/06

Page 16 of 16

CONCLUSION

Applicant's Assignee respectfully submits that claims 1-47 are in condition for immediate allowance, and requests early notification of their allowance. If there are any matters that can be addressed by telephone, the Examiner is urged to contact the undersigned before issuance of a final Office action.

Respectfully submitted,



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